

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JOSEPH ANTHONY DANIEL,
Petitioner,

vs.

Case No.: 4:14cv653/MW/EMT

ERIC HOLDER, JR., et al.,
Respondents.

REPORT AND RECOMMENDATION

On or about December 1, 2014, Petitioner filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241, a motion to proceed in forma pauperis, a motion to expedite, and a motion for appointment of counsel (docs. 1, 2, 3, 4). The case was referred to the undersigned for the issuance of all preliminary orders and any recommendations to the district court regarding dispositive matters. *See* N.D. Fla. Loc. R. 72.2(B); *see also* 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b). Upon review of the habeas petition, it is apparent that this court lacks jurisdiction to review it, and it should therefore be transferred.

Petitioner states he is currently detained in the LaSalle Detention Facility in Jena, Louisiana (*see* doc. 1 at 2, 17). He is in the custody of the United States Immigration and Customs Enforcement Department (“ICE”) of the Department of Homeland Security, and he seeks release from detention pursuant to Zadvydas v. Davis, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001) (*see* doc. 1). Petitioner alleges he is a native of Grenada, and in 2012, he was ordered deported by an immigration judge (*see id.*). He alleges he has been awaiting removal for over two years, but ICE officials have been unable to deport him and will be unable to do so in the reasonably foreseeable future (*see id.*).

Habeas corpus applications under § 2241 are required to be brought in the district of confinement. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443, 124 S. Ct. 2711, 159 L. Ed. 2d 513

(2004). In the instant case, Petitioner is not detained within the jurisdiction of the Northern District of Florida; rather, he is detained in the Western District of Louisiana. Further, none of the named Respondents are located within the jurisdiction of the Northern District of Florida.¹ Therefore, this action should be transferred to the United States District Court for the Western District of Louisiana, where Petitioner is detained, for further proceedings, including addressing the issues raised in Petitioner's pending motions.

Accordingly, it is respectfully **RECOMMENDED**:

That the clerk of court **TRANSFER** the habeas petition to the United States District Court for the Western District of Louisiana and close this case.

At Pensacola, Florida this 12th day of December 2014.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

CHIEF UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Any objections to these proposed findings and recommendations must be filed within fourteen (14) days after being served a copy thereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of objections shall be served upon all other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; United States v. Roberts, 858 F.2d 698, 701 (11th Cir. 1988).

¹ Petitioner names the following Respondents: Eric Holder, Attorney General of the United States; Jeh Johnson, Secretary of the Department of Homeland Security; John Morton, Director of ICE; Scott Sutterfield, Director of New Orleans Field Office of ICE; and David C. Cole, Warden of LaSalle Detention Facility (*see* doc. 1 at 1–3).